

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FAYEZ ABBOUD, et al.,)	CASE NO. 1:18-CV-2184
)	
Plaintiffs,)	JUDGE DAN AARON POLSTER
)	
vs.)	
)	<u>ORDER</u>
JUDGE JOHN P. O'DONNELL,)	
)	
Defendant.)	

On Sept. 24, 2018, Plaintiffs Fayez Abboud and Joseph Semaan filed their Complaint, Request for Declaratory and Injunctive Relief and for Temporary Restraining Order, Doc #: 1, against Defendant Judge John P. O'Donnell of the Cuyahoga County Common Pleas Court. In their Complaint, Plaintiffs seek a declaratory judgment that Judge O'Donnell's orders in Cuyahoga County case CV-17-885126 are unconstitutional and violation Plaintiffs' due process rights. Plaintiffs also ask for a permanent injunction against the enforcement of Judge O'Donnell's orders and a temporary injunction pending the disposition of Plaintiffs' request for a permanent injunction.

The Court held a teleconference attended by Plaintiffs' counsel Myron P. Watson, David Horvath, and Judge O'Donnell. During the teleconference, the Court explained to Plaintiffs' counsel that the Court does not have jurisdiction over the case. First, state court judges have absolute immunity for judicial conduct so Plaintiffs cannot sue Judge O'Donnell for his judicial orders. Further, a state court litigant cannot contest a state court decision by seeking to have a

federal judge overrule the state judge's decision. As the Eighth District Court of Appeals explained, Plaintiffs should seek a stay from Judge O'Donnell and, should Judge O'Donnell deny its motion for stay, re-file its motion for stay with the Eighth District Court of Appeals. Accordingly, the Court does not have jurisdiction over the instant case and the case is **DISMISSED.**

IT IS SO ORDERED.

/s/ Dan Aaron Polster Sept. 24, 2018

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE